

2024:PHHC:168911-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

LPA-2761-2024 (O&M)

Decided on : 17.12.2024

Gurpreet Singh

.....Appellant(s)

Versus

Financial Commissioner, Appeals & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I.MEHTA**

Present: Mr.Amandeep Saini, Advocates for the appellant.

Ms.Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

CM-6742-LPA-2024

Application for condoning the delay of 109 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 109 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-2761-2024

1. Consideration in the present appeal is to the judgment dated 07.05.2024 passed by the Learned Single Judge in CWP-10582-2024 whereby the appointment of the appellant as Lambardar of Village Malkana Patti, Samana, by the District Collector vide order dated 17.11.2021 (Annexure P-2) which had been set aside by the Financial Commissioner, had been upheld.
2. The Learned Single Judge had modified the order of the Financial Commissioner whereby fresh appointment was directed to be made by conducting munadi, by inviting the comparative merits of the two contesting candidates. The Learned Single Judge had, thus, directed that fresh process be

initiated by inviting fresh applications and conclude the same in accordance with law.

3. It is a matter of record that respondent No.2-Gagandeep Singh who was also within the zone of consideration, had challenged the order of the Learned Single Judge in LPA-1305-2024 whereby it had been argued on his behalf that he should be appointed as the present appellant herein had been adversely commented upon by the Financial Commissioner regarding the terms of the appellant on account of the fact that he was getting salary from one Kanwar Enterprises Treatment Plant. Resultantly, in the said appeal, it had been observed on 03.07.2024 that Gagandeep Singh cannot be permitted to have a walk-over and would have to be considered in view of the fresh publication as directed by the Learned Single Judge so that the best candidate from the village may be selected after considering the merits of all the candidates.

4. The matter was then taken to the Apex Court in SLP(C)-24755-2024 wherein the said order had been upheld by noting that the order of the Financial Commissioner and the Learned Single Judge are fair orders and a fresh exercise is to be conducted for election of the Lambardar. The said order reads as under:

“The matter relates to the appointment of a post of Lambardar in a Village Malkana Pattia, Samana, District Patiala, Punjab. The respondent no.2 was selected and the said selection was challenged at the hands of the present petitioner inter-alia on the ground that the respondent no.2 was already gainfully employed and therefore, he would not be readily available for the work of a Lambardar, the petitioner's application/petition was allowed and the appointment of respondent no.2 was set aside by the Financial Commissioner. However, the matter was taken to the learned Single Judge in a writ petition filed by the respondent no.2 whereby the High Court while

dismissing the petition directed that a fresh application be called for and the process be restarted. This order was challenged by the petitioner before the Division Bench of the High Court which was dismissed. Being aggrieved, the petitioner has approached this Court.

Heard learned counsel for the parties.

The Financial Commissioner as well as the learned Single Judge had only ordered that now a fresh exercise for selection of the Lambardar has to be made which seems to be a fair and just order. Nevertheless, it was challenged before the Division Bench of the High Court which has upheld the order of the learned Single Judge.

We see absolutely no reason to interfere with the finding of the High Court, in exercise of our jurisdiction under Article 136 of the Constitution of India.

The present petition shall stand dismissed in the above terms along with pending application(s), if any.”

5. The appellant had been represented before the Apex Court also but the counsel could not point out any illegality or irregularity in the earlier orders passed by one of us (G.S.Sandhawalia J.) that it adversely affected the appellant in any manner. Once we had upheld the order of the Learned Single Judge and the same has not been modified, we are of the considered opinion that it would not be appropriate for us to take a contrary view.

6. Resultantly, in view of the above discussion, the present appeal is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I.MEHTA)
JUDGE

17.12.2024
sailesh

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No